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THE PROPERTY IN REM

2. The defendant is Two (2) Firearms, Three (3) Magazines, and Fifty-Seven (57) Rounds of Ammunition (the “defendant property”), which was seized from Derek Lamont Alexander, Jr., Tulsa, Oklahoma, on June 18, 2020. The defendant property is presently in the custody of the Bureau of Alcohol, Tobacco, Firearms, and Explosives in Tulsa, Oklahoma. Pursuant to Supplemental Rule G(3)(b)(i), “the clerk must issue a warrant to arrest the property if it is in the government’s possession, custody, or control.”

JURISDICTION AND VENUE

3. The United States brings this action *in rem* in its own right to forfeit and condemn the defendant property pursuant to 18 U.S.C. § 924(d) and 28 U.S.C §2461(c). This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a).

4. Venue is properly in this district pursuant to 28 U.S.C. §§1355 and 1395 because acts or omissions giving rise to the forfeiture occurred in this district and the defendant property is located in this district.

BASIS FOR FORFEITURE

5. The defendant property is subject to forfeiture pursuant to violations of 18 U.S.C. §924(d) and 28 U.S.C §2461(c) because it is property in the possession of a person whom, at the time of seizure, had an outstanding warrant, is an unlawful user of controlled substance and should a person be convicted of a crime that is in relation to the defendant

property the Court shall enter an Order for Forfeiture in the criminal case as part of sentencing pursuant to the Federal Rules of Criminal Procedure.

6. The Defendant property is subject to forfeiture pursuant to:

18 U.S.C. § 922(g)(2) provides that:

It is unlawful for any person who is a fugitive from justice to possess a firearm or ammunition

18 U.S.C § 922(g)(3) provides that:

It is unlawful for any person who unlawfully uses or is addicted to controlled substances, as defined in the section 102 of the Controlled Substances Act, to possess a firearm and/or ammunition.

28 U.S.C §2461(c) provides that:

Should a person be charged in a criminal case in violation of an Act of Congress the property may be civilly or criminally forfeitable, and should that person be convicted, the Court shall issue an Order of Forfeiture as part of sentencing, pursuant to the Federal Rules of Criminal Procedure.

FACTS

7. The facts and circumstances supporting the forfeiture of the defendant property are set forth in the Affidavit of Special Agent Brett Williams, Bureau of Alcohol, Tobacco, Firearms, and Explosives, attached hereto and incorporated herein by reference. By reason of the facts set forth and incorporated herein, the defendant property is properly condemned and forfeited to the United States pursuant to 21 U.S.C. §924(d) and 28 U.S.C §2461(c).

CONCLUSION

WHEREFORE, the United States requests that the Clerk of the Court issue an arrest warrant *in rem*; that notice of this action be given to all persons known or thought to have an interest in this action; that the Plaintiff be awarded its costs; and that the Court award the Plaintiff such other and further relief as this Court deems just and proper.

Respectfully submitted,

R. TRENT SHORES
UNITED STATES ATTORNEY

/s/ Reagan V. Reininger
REAGAN V. REININGER, OBA #22326
Assistant United States Attorney
110 West Seventh Street, Suite 300
Tulsa, OK 74119
Telephone: (918) 382-2700
Email: Reagan.Reininger@usdoj.gov

VERIFICATION

I, Brett Williams, hereby verify and declare under penalty of perjury that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives, that I have read the foregoing Verified Complaint In Rem and know the contents thereof, and that the matters contained in the Verified Complaint are true to my own knowledge, except those matters herein stated to be alleged on information and belief and as to those matters I believe them to be true.

The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case, together with others.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed at Tulsa, Oklahoma, this 5th day of November, 2020.



Brett Williams, Special Agent
Bureau of Alcohol, Tobacco, Firearms, and
Explosives

AFFIDAVIT IN SUPPORT OF
COMPLAINT FOR FORFEITURE IN REM

I, Brett Williams, duly sworn, state the following:

1. I am a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I have been employed in this capacity since September of 2003. I am currently assigned to the Dallas Field Division, Tulsa field office of the ATF. I am classified and trained as a Federal Law Enforcement Officer, with federal statutory arrest authority. Previously I was employed as a Police Officer with the City of Tulsa for 6 years. I also received a Bachelor of Arts degree in Criminal Justice from Oklahoma City University in Oklahoma City, Oklahoma.

2. As a Special Agent with ATF, I am vested with the authority to investigate violations of Federal laws including Title 18, Title 21, and Title 26 of the United States Code. The facts contained in this affidavit were discovered by me or related to me by other Law Enforcement Officers named herein.

Further, your affiant states as follows:

PROPERTY SOUGHT FOR FORFEITURE

This affidavit is submitted in support of a Civil Complaint for Forfeiture against the following property:

- Ruger, Model: American Pistol, Caliber: 9mm, Pistol bearing Serial Number: 860-54904
- Romarm/Cugir, Model: Draco, Caliber: 7.62 x 39, Pistol bearing Serial Number: DA-3709-15RO
- 57 Rounds of assorted ammunition

- Three firearms magazines

The assets listed above are subject to forfeiture pursuant to 18 U.S.C. § 924(d).

FACTS AND CIRCUMSTANCES

3. On June 17, 2020, your affiant received an email from Federal Bureau of Investigation (“FBI”) Special Agent (“SA”) Joshua Martin in reference to Derek Alexander. SA Martin said ALEXANDER had come to the FBI’s attention during a protest on June 3, 2020. ALEXANDER was seen with a group of people walking down Peoria Ave in Tulsa, Oklahoma carrying firearms. SA Martin informed your affiant ALEXANDER had a current warrant out of Texas.

4. On June 18, 2020, your affiant ran ALEXANDER in the National Criminal Information Center (“NCIC”) and verified he had a warrant out of Bell County, Texas. Your affiant contacted Heather with the Bell County Texas courts and was told ALEXANDER did have an active warrant out of Bell County and had not appeared in court.

5. On June 18, 2020, members of the Secret Service advance team for The President of the United States asked ATF if they would assist them in making contact with ALEXANDER prior to the President’s visit on June 20, 2020 to Tulsa. ATF Tulsa Field Office agents Demaree and Stephens along with Tulsa Police Officer J. McNeal made contact with ALEXANDER at his residence located at 4742 S Harvard Ave Apartment 52, Tulsa, OK. ALEXANDER gave consented to enter his residence and showed SA Stephens the firearm he was seen with at the protest. ALEXANDER also advised he was in possession of a pistol as well in a backpack he was carrying.

6. Your affiant arrived and spoke with ALEXANDER after Secret Service completed an interview with him. ALEXANDER admitted he knew he had the warrant out of Texas and that it was non-extraditable. ATF Agents saw, in plain sight marijuana and a smoking device (bong) on the coffee table in the living room and the smell of marijuana was in the air. ALEXANDER admitted he did not have a marijuana card issued by the State of Oklahoma. ALEXANDER stated he was a user of marijuana.

7. Agents found 2 firearms, A Ruger, Model American Pistol, 9mm caliber semi-automatic pistol, serial number 860-54904, and a Romarm/Cugir, Model Draco, 7.62X39 Caliber pistol, serial number DA-3709-15RO, 7.79 grams of marijuana in a zip lock bag, and 57 rounds of assorted ammunition at ALEXANDER'S residence. There were also three magazines in the residence, one with each firearm and a third in a cabinet in the living room.

8. Following the seizure of the firearms, ammunition and marijuana your affiant explained to ALEXANDER that he needed to get his warrants taken care of and informed him that under federal law marijuana was still a prohibited substance under Title 21 U.S. Code.

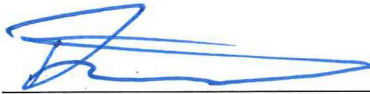
9. On November 3, 2020, your affiant ran ALEXANDER in NCIC and verified he still had a warrant out of Bell County, Texas. Your affiant contacted the Bell County Texas courts and was told ALEXANDER did have three active warrants out of Bell County and had not appeared in court.

10. Pursuant to 18 U.S.C. § 922(g)(2), it is unlawful for any person to possess a firearm who is a fugitive from justice. Additionally, pursuant to 18 U.S.C. § 922(g)(3), it is unlawful for any person to possess a firearm who is an unlawful user of or addicted to any

controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

CONCLUSION

11. Based upon the information set forth herein, as well as training, experience, and knowledge of this investigation, Affiant has sufficient probable cause to believe that the firearms and ammunition seized in this investigation, were possessed in violation of 18 U.S.C. §§ 922(g)(2), 922(g)(3) and are forfeitable pursuant to 924(d).



Brett Williams, Special Agent
Bureau of Alcohol, Tobacco, Firearms and Explosives

Subscribed and sworn to before me this 3rd day of November 2020.


NOTARY PUBLIC

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Reagan V. Reininger, Assistant U.S. Attorney, 110 West 7th Street, Suite
300, Tulsa, OK 74119, (918) 382-2704

DEFENDANTS

Two Firearms, Three Magazines, and Fifty-Seven Rounds of Ammo

County of Residence of First Listed Defendant Tulsa
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input checked="" type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
18 U.S.C. § 922(g)(2) and (3) and 28 U.S.C 2461(c)

Brief description of cause:

Forfeiture of firearms and ammunition held by a prohibited person and unlawful user of controlled substances**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION DEMAND \$
UNDER RULE 23, F.R.Cv.P.

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

11/05/2020

SIGNATURE OF ATTORNEY OF RECORD

/s/ Reagan V. Reininger

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

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